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FRED G. PRUNER, JR.
TROP, PRUNER & HU, P.C.
8554 KATY FREEWAY, SUITE 100
HOUSTON, TX 77024

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ASSIGNOR:
MARVIN, RUSSEL H.

DOC DATE: 06/18/2001

ASSIGNOR:
MCELROY, JAMES F.

DOC DATE: 07/09/2001

ASSIGNEE:
PLUG POWER INC.
968 ALBANY-SHAKER ROAD
LATHAM, NEW YORK 12110

SERIAL NUMBER: 09823263
PATENT NUMBER:

FILING DATE: 03/30/2001
ISSUE DATE:

MARGARET LASALLE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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Trop, Pruner, & Hu, P.C

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Doc. at No.: PLUG-0037-US (499)

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To the Honorable Commissioner of Patents and Trademarks, please return the attached original documents or copy thereof.

1. Name of conveying party(ies):

Russel H. Marvin
James F. McElroy

07/23/01

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Plug Power Inc.

Address: 968 Albany-Shaker Road

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City: Latham State/Prov.: NY

Country: U.S.A. ZIP: 12110

Additional name(s) & address(es)

☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: June 18 and July 9, 2001

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

Patent Application No. Filing date

09/823,263 3/30/01

B. Patent No.(s)

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Fred G. Pruner, Jr.

Registration No. 40,779

Address: Trop, Pruner & Hu, P.C.

8554 Katy Freeway, Suite 100

City: Houston State/Prov.: TX

Country: U.S.A. ZIP: 77024

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

- ☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account
☐ Authorized to be charged to deposit account

8. Deposit account number:

20-1504 (PLUG-0037-US)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Fred G. Pruner, Jr.

Name of Person Signing

Signature

Date

7/17/01

Total number of pages including cover sheet, attachments, and

ASSIGNMENT

WHEREAS, We, **RUSSEL H. MARVIN AND JAMES F. MCELROY**, are joint inventors of **FUEL CELL SYSTEM HAVING ENERGY SOURCE BACKUP**, application for United States Letters Patent Serial No. 09/823,263, filed ~~March~~ 30, 2001; and

WHEREAS, PLUG POWER INC., a corporation created and existing under and by virtue of the laws of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to the aforesaid invention throughout the world, and all right, title and interest in, to and under any and all Letters Patent of the United States and all other countries throughout the world;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over to PLUG POWER INC., all right, title and interest in and to the said invention throughout the world, and said application for U.S. Letters Patent, and any and all divisions, continuations, and reissues thereof, and any and all Letters Patent of the United States and foreign countries which may be granted therefor, the same to be held and enjoyed by PLUG POWER INC. for its own use and benefit, and for the use and benefit of its successors, assigns, or other legal representatives, to the end of the term or terms for which said Letters Patent of the United States or foreign countries are or may be granted or reissued, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States on said invention or resulting from said application and from any and all divisions, continuations, and reissues thereof, to PLUG POWER INC., as assignee of our entire interest, and hereby covenant that we have the full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith.

And we further hereby covenant and agree that we will, at any time, upon request, execute and deliver any and all papers that may be necessary or desirable to perfect the title of said invention and to such Letters Patent as may be granted therefor, to PLUG POWER INC., its successors, assigns, or other legal representatives and that if PLUG POWER INC., its successors, assigns or other legal representatives shall desire to file any divisional or continuation applications or to secure a reissue of such Letters Patent, or to file a disclaimer relating thereto, will upon request, sign all papers, make all rightful oaths and do all lawful acts requisite for the filing of such divisional or continuation application, or such application for reissue and the procuring thereof, and for the filing of such disclaimer, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

And we do further covenant and agree that we will, at any time upon request, communicate to PLUG POWER INC., its successors, assigns or other legal representatives, such facts relating to said invention and Letters Patent or the file history thereof as may be known to us, and testify as to the same in any interference or other litigation when requested so to do, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

EXECUTED THIS 18th day of June, 2001.



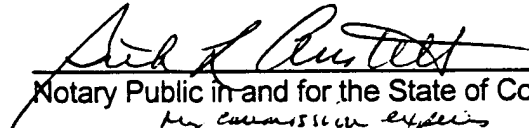
Name: **RUSSEL H. MARVIN**

STATE OF CONNECTICUT
COUNTY OF Litchfield


§
§ Torrington

BEFORE ME, the undersigned authority, on this day personally appeared RUSSEL H. MARVIN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 18th day of June, 2001.


Notary Public in and for the State of Connecticut
My Commission Expires June 30, 2002

EXECUTED THIS 9 day of July ~~June~~, 2001.



Name: **JAMES F. McELROY**

STATE OF NEW YORK
COUNTY OF ALBANY

§
§

BEFORE ME, the undersigned authority, on this day personally appeared JAMES F. McELROY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 9th day of July ~~June~~, 2001.


Notary Public in and for the State of New York

KATHLEEN R. PETRUCCO
Notary Public, State of New York
Qualified in Schenectady County
No. 4912848
Commission Expires November 16, 2001